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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/826,083	04/04/2001	Bruce Royer	57111-5094	3868

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TIFFANY & BOSCO
2525 East Camelback Road
Phoenix, AZ 85016-4237

EXAMINER

SHAAWAT, MUSSA A

ART UNIT	PAPER NUMBER
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3627

MAIL DATE	DELIVERY MODE
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08/06/2010

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 09/826,083	Applicant(s) ROYER ET AL.	
	Examiner MUSSA SHAAWAT	Art Unit 3627	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 June 2010.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-48 is/are pending in the application.
- 4a) Of the above claim(s) 2-6,9-17,19-23 and 26-48 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 7-8, 18 and 24-25 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Response to Amendments

1. This action is in response to the amendments filed on 06/07/2010. Claims 1, 7,- 8, 18 and 24-25 have been amended. Claims 2-6, 9-17, 19-23 and 26-48 have been withdrawn from considerations due to non-elected claims. Claims 1, 7-8, 18 and 24-25 are pending examinations.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1, 7, 18, and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Brandt et al., US Patent No. (5,892,905) referred to hereinafter as Brandt in view of Hafen et al., US PG. Pub. No. (2003/0023453) referred to hereinafter as Hafen in further view of Weinstock et al., US PG Pub. No. (2005/0021378) referred to hereinafter as Weinstock.

Brandt discloses a method for accessing rental equipment reservation software applications via the world wide web, including the steps accessing rental equipment inventory information for the plurality of rental locations in order to assist customers of the plurality of rental locations (see at least Col. 23); via a computer-terminal, displaying reservation summary having reservation data (i.e. car preference, origin city, etc.) and

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vehicle type information (see column 23, lines 30-40 and 64-67); via a computer-terminal, searching and tracking equipment inventory information (see column 23, lines 30-40) including the number of pieces of rental equipment available for in-town rental and the number of pieces of rental equipment in-town but not available for rental (see at least col.23 lines 30-40, col.32 lines 52-60, col.33 lines 15-35); making confirmation of reservation (see column 28, lines 60-63); updating reservation information (see column 32, lines 47-48); and searching equipment inventory (see **paragraph** bridging columns 29-30); displaying customer information and customer history information(see column 31, lines 7-11).

However, Brandt appears silent regarding tracking the equipment inventory information for each rental location for managing equipment availability at the plurality of rental locations, wherein the equipment inventory information for each rental location is accessible via the network by the plurality of dealerships. Hafen discloses tracking the equipment inventory information for each rental location for managing equipment availability at the plurality of rental locations, wherein the equipment inventory information for each rental location is accessible via the network by the plurality of dealerships (see at least Para 0003 Para 0082). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of Brandt to include the teachings of Hafen whereby the availability of equipment at any rental location in Brandt would be known. Notwithstanding, Official notice is taken of the well known use of a equipment manage system used in auto rental locations which manages equipment availability, e.g. car needed in FLA so the system finds a customer

going to FLA to deliver the car (***as evident by Williams Pub. No. (US 2003/0149600A1) paragraph [0008], and also Yamaguchi et al US Pub. No. (US 2002/0087334 A1) paragraph [0008]***), this would be an obvious inclusion into Brandt because it would create a more efficient use of equipment.

In addition, although Brandt teach searching and tracking inventory information Brandt also teaches displaying reservation summary using a monitor, Brandt in view of Hafen do not expressly teach displaying the number of pieces of rental equipment availability and accessing a car rental server from a plurality of dealerships. However Weinstock teaches searching and displaying the number of pieces of rental equipment availability (see at least Para 0049), Weinstock also teaches a third party such as a repair facility may be permitted to access the system of the rental car company and process rental car transaction through an administrative profile (see at least Para 0026). It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teachings of Weinstock into the disclosure of Brandt in view of Hafen in order to enable business to business computerized transaction between authorized dealers and rental car companies.

*Furthermore, although Brandt teaches displaying a reservation summary having reservation information pertaining to the type of equipment reserved and the date of the reservation, Brandt in view of Hafen do not expressly teach displaying information pertaining to a **plurality** of customer reservations.*

Weinstock teaches displaying information pertaining to reservations of **plurality** of customers (see at least Page 62 of specification). It would have been obvious to one

of ordinary skill in the art at the time the invention was made to incorporate the teachings of Weinstock into the disclosures of Brandt in view of Hafen in order to know which equipment to reserve. Notwithstanding, the examiner takes official notice that displaying information pertaining to a plurality of customer reservations is well know and old in the art, ***as evident by Rose et al. US Patent No. (7,069,228) see claim 2.*** It would have been obvious to one of ordinary skill in the art to modify Brandt to include displaying information pertaining to a plurality of customer reservation in order to know which equipment is available to reserve.

Re claims 7, 24: col. 32 lines 47 et seq. discloses updating a selected car.

Claims 8, 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Brandt in view of Hafen in view of Weinstock and further in view of Craig.

Craig teaches the use of a system alerting the user of upon the detection of an update failure (see paragraph bridging columns 7-8). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Brandt in view of Hafen in view of Weinstock with update alert failures as taught by Craig, because update alert failure notifications allows the user to determine when updates have problems.

Response to arguments

4. Applicant's arguments have been fully considered but persuasive. In particular applicant argues that A) the prior art fails to teach or suggest the users of the plurality of dealerships accessing the computer-server of the plurality of dealerships in order to access rental equipment inventory information for the plurality of rental locations in the

plurality of dealerships in order to assist customers of the plurality of rental locations; B) the prior art fails to teach or suggest via a computer-terminal, tracking and searching equipment inventory for plurality of rental locations in plurality of dealerships; C) applicant traverses the use of Official Notice.

In response to A) examiner respectfully disagrees. Applicant is reminded that claims must be given their broadest reasonable interpretation. Brandt teaches a rental car agent accessing a computer to search alternate rental car locations within a rental car franchise for rental cars to fill reservations i.e (the users of the plurality of dealerships accessing the computer-server of the plurality of dealerships in order to access rental equipment inventory information for the plurality of rental locations in the plurality of dealerships in order to assist customers of the plurality of rental locations and wherein via the computer-terminal communicating with the computer-server, each user can search and display the number of pieces of rental equipment available for in-town rental and the number of pieces of rental equipment in-town but not available for rental for each rental location of the plurality of rental locations in the plurality of dealerships) (see at least Col. 23). Therefore Brandt still meets the scope of the limitation as currently claimed.

In response to B) examiner respectfully disagrees. Applicant is reminded that claims must be given their broadest reasonable interpretation. Brandt teaches tracking equipment inventory information including the number of pieces of rental equipment available for in-town rental and the number of pieces of rental equipment in-town but not available for rental ((see at least col.23 lines 30-40, col.32 lines 52-60, col.33 lines

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15-35)). Brandt teaches wherein the equipment inventory information for each rental location is accessible via the network by all of the other rental locations on the network (see at least col. 23). Furthermore, Hafen discloses tracking the equipment inventory information for each rental location for managing equipment availability at the plurality of rental locations, wherein the equipment inventory information for each rental location is accessible via the network by the plurality of dealerships (see at least Para 0003 Para 0082). In addition, Weinstock teaches searching and displaying the number of pieces of rental equipment availability (see at least Para 0049), Weinstock also teaches a third party such as a repair facility may be permitted to access the system of the rental car company and process rental car transaction through an administrative profile (see at least Para 0026). Therefore the prior art still meet the scope of the limitation as currently claimed.

In response to C) regarding the Official Notice fact taken by the examiner on the office action dated 07/10/2007, the applicant failed to specifically point out the supposed errors in the examiner's action, and to state why the notice fact is not considered to be common knowledge or well known in the art, therefore In view of the inadequate traversal, and in light of the requirements of 2144.03(c), ***the examiner notes that the well known in the art statements of the previous Office Action are considered to be admitted prior art.*** Furthermore **the Official Notice Traversal is no longer seasonable, therefore the Official Notice is considered to be admitted prior art.**

Re: Declaration Under 37 C.F.R. 1.131:

Applicant failed to provide an evidence of "due diligence" between the dates of

June 14, 2000 to April 4, 2001. Applicant must provide reasonable efforts to achieve an actual reduction to practice or to remove obstacles to its development.

The Rule 131 affidavit or declaration states the following:

"The showing of facts shall be such, in character and weight, as to establish reduction to practice prior to the effective date of the reference, or conception of the invention prior to the effective date of the reference coupled with due diligence from prior to said date to a subsequent reduction to practice or to the filing of the application".

Therefore, Evans still meets the scope of the limitation as currently claimed.

Conclusion

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to MUSSA SHAAWAT whose telephone number is (571)272-2945. The examiner can normally be reached on 8am-5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ryan Zeender can be reached on 571-272-2945. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Mussa Shaawat
Patent Examiner
August 04, 2010

/Ramsey Refai/

Primary Examiner, Art Unit 3627